

REMARKS

Claims 1-6 and 9-11 are pending in this application. Favorable reconsideration is respectfully requested.

Applicants thank the Examiner for the indication that claims 10 and 11 are allowed.

Claims 1-6 and 9 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 4,945,954 (Wehrly et al.) in view of U.S. Patent No. 1,801,490 (Falstrom). Applicants submit that the claims are patentable for at least the following reasons.

Independent claim 1 relates to a punching apparatus for punching a hole at a predetermined location on a work piece. The apparatus includes: a punch integrated into any one of a moving part of a press working machine and a supporting part of the press working machine; and a die integrated with the other one of the moving part and the supporting part, wherein each of the punch and the die has a plurality of planar surfaces to be fitted with datum planar surfaces of a fitting jig for positioning the punch and the die with respect to each other and at least one planar surface of the punch and at least one planar surface of the die are simultaneously fitted with the same datum planar surface of the fitting jig.

Wehrly et al. shows an alignment method for aligning a punch and die. In Wehrly, rods 22 are provided at a corner edges of the lead form anvil 14. These rods extend above the top surface of the lead form anvil 14. A punch 12 has cylindrically-shaped alignment tracks that are formed in the corner edges of the punch. When aligning the punch and die, the rods slide into the tracks. Wehrly does not show that each of the punch and the die has a plurality of planar surfaces to be fitted with datum planar surfaces of a fitting jig for positioning the punch and the die with respect to each other and at least one planar surface of the punch and at least one planar surface of the die are simultaneously fitted with the same datum planar surface of the fitting jig.

In the Office Action, the position was taken that Falstrom shows a rectangular shaped fitting jig and that it would have been obvious to modify Wehrly et al. to use a rectangular alignment rods instead of cylindrical rods.

However, even if Wehrly et al.'s alignment system were to be modified to use rectangular alignment rods, it would not meet the limitations of the claims. That is, these rectangular alignment rods would contact the punch at a corner edge, not on a planar surface of the punch. The same would apply to the die. For at least this reason, even when combined, the limitations of the claims are not met. Thus, no prima facie case of obviousness has been established.

In addition, no motivation has been provided for making such a change since there is no indication anywhere that rectangular rods would perform better than the cylindrical rods. It would appear that no additional performance would be gained by such a change. Thus, the only reason to make such a change would be in an attempt to meet the limitations of the claims, which is an improper motivation. For this additional reason, no prima facie case has been established.

In view of the above, independent claim 1 is believed clearly patentable over the cited art. Independent claims 5 and 9 recite substantially similar features and are believed patentable for substantially similar reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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